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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,389	02/10/2004	Christopher J. Bakken	TALL121495	8886

26389 7590 10/31/2005

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,389

Applicant(s)

BAKKEN ET AL.

Examiner

Daniel J. Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 11-13, 16-18 and 22-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 15 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 9-10 are rejected under 35 U.S.C. 102(b) as being by Sakaino et al. (US 6,155,728).

With respect to claim 1, Sakaino et al. teaches a printer for printing upon a continuous web of print receivable media, the printer comprising: a print head (6) having a media drive assembly side (See Figure 2B, Column 6, lines 21-22), a media drive assembly (See Figure 2B) for moving continuous web print receivable media past the print head, the media drive assembly being disposed on the media drive assembly side of the print head (See Column 6, lines 51-54), a platen (7) disposed adjacent the print head; and a controller (See Column 3, lines 67 - Column 4, line 6) coupled to said print head, said media drive assembly, and said platen for controlling the modes of operation of said printer in accordance with user input, the modes of operation of said printer including a continuous print mode of operation and a single sheet mode of operation, wherein during continuous print mode of operation, said print head, said media drive assembly, and said platen are controlled such that said media is moved by said media drive assembly past said print head in a downstream direction (See Column 8, lines 41-44, See B in Figure 2A) and wherein during said single sheet mode of operation, said print head, said media drive assembly, and said platen are controlled such that said media is moved by said media drive assembly past

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said print head in an upstream direction one sheet at a time (See Column 9, lines 46-49, Figures 8 and 12).

With respect to claim 9, Sakaino et al. teaches the printer wherein printing is performed by alternatingly: pausing printing and advancing said media by pulling said media past the print head a select distance and pausing media movement while printing (See Column 6, lines 54-62).

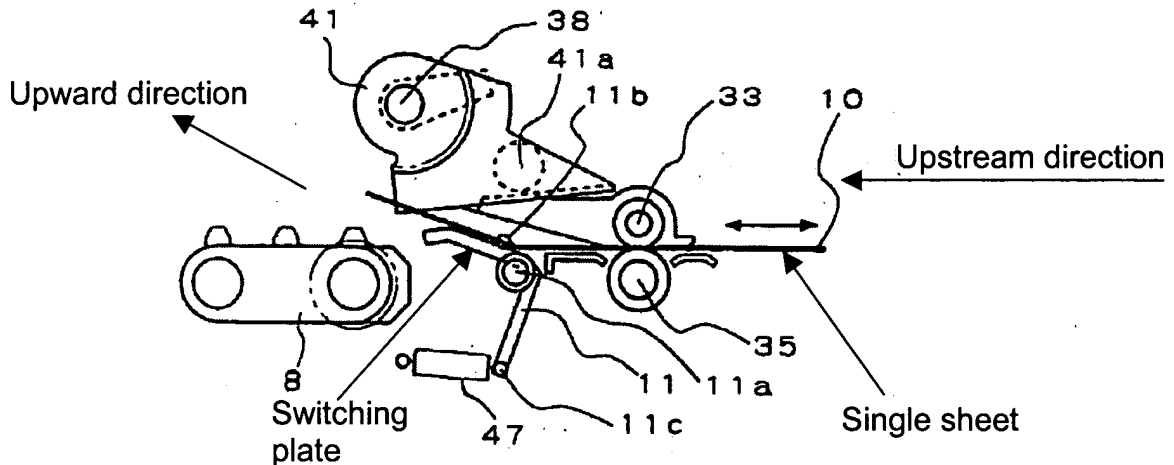
With respect to claim 10, Sakaino et al. teaches the printer wherein the printer includes an upstream media bin and a downstream media bin and wherein said media is drawn from the upstream media bin during said continuous print mode of operation (See Column 9, line 36), and wherein the media is drawn from the downstream media bin during said single sheet mode of operation (See 10 on right of Figure 2A; See Figure 2A, arrows A and B).

Response to Arguments

3. Applicant's arguments filed 8/16/05 have been fully considered but they are not persuasive of any error in the above rejection.

With respect to applicant's arguments regarding the feeding direction in the single sheet mode, in column 9, lines 46-49 (and shown in Figures 8 and 12), Sakaino et al. discloses that, "the printing paper (cut paper) 10 is fed obliquely upward along the switching plate 11, so that the contact with the tractor 8 is avoided." Since the single sheet is fed upwardly, the paper must be traveling from right to left in Figures 8 and 12; this direction being the upstream direction past the print head. The below Figure taken from Figure 12 of Sakaino et al. is copied here to clarify this point:

FIG. 12



Thus Sakaino et al. does indeed disclose a single sheet mode of operation in which the media is moved past the print head in an upstream direction one sheet at a time.

With respect to applicant's arguments regarding reversing of a drive or motor, it is noted that this language is not found in the claims.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 26, 2005


Daniel J. Colilla
Primary Examiner
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